

REMARKS

Claims 11-16 stand rejected under 35 USC §103(a) as being unpatentable over Fehrer ('294) in view of JP ('755). In view of the amendments to claim 11, this rejection is respectfully traversed. No prima facie case for the combination of these two references has been made.

The limitations of claim 12 have been moved into claim 11 and claim 12 cancelled. The remainder of the amendments to claims 11, 14 and 15 are to correct minor informalties. New claims 17-20 contain various combinations of limitations currently found in claims 11-16.

Fehrer teaches an apparatus that permits needling at different angles. However, Fehrer does not teach how one chooses a specific angle or range of angles for a specific task. He permits adjustment of the angle "for achieving a predetermined effect" (Col. 3, lines 1 and 2) without stating what predetermined effect one can achieve. Thus, although he enables the adjustment of the angle by the description of his device, Fehrer does not enable the choice of the angle that would solve the particular problem Applicant's invention solves. The ordinary artesan would not only *not know* from the teachings of Fehrer what angle if any to choose for needling moldable nonwovens, but also would *not know* what specific fibers or blends of fibers to use in making moldable, high-rigidity, low-weight nonwovens.

Moreover, Fehrer does not each needling at dual angles or Applicant's specific blend of fibers, as claimed.

JP '755 teaches a blend of fibers for carpeting in which the blend is composed of two fibers, namely, a lower melt point fiber such as polyethylene, and a higher meltpoint second fiber such as polypropylene. He does not teach a blend of semi-crystalline polyester

sheath fibers and polyester fibers. Nor for that matter does he teach needling at an angle or needling at dual angles.

Because the suggestion to combine these two references to find the present claims obvious does not come from the references themselves nor from the problem to be solved, Applicant respectfully suggests that the motivation to combine them is based on impermissible hindsight. The motivation set forth in office action -- that it would have been obvious to employ the particular types of fibers disclosed by JP '755 in the method of Fehrer that such fibers may be advantageously needled and formed into molded products -- does not withstand scrutiny. It is simply a statement that it would be obvious to combine these references because it would be obvious to combine them. But it is not obvious to combine them: there is nothing in Fehrer to suggest that needling the blend of fibers taught by JP '755 at an angle would make the resulting product better. At the very most, an ordinary artisan might be tempted to see what sort of effect he might obtain by doing so, but "obvious to try" does not make the result obvious.

Moreover, the result of such experimentation would not yield Applicant's claimed invention. Applicant claims a specific blend of fibers, not taught by JP '755 needled at a specific angle range. Applicant (in new claim 17) claims needling at two angles. These claimed inventions are not obvious from the teachings of Fehrer and JP '755 even if they were properly combinable. The ordinary artisan, combining the teachings of Fehrer and JP '755, assuming that he had the motivation to do so, which Applicant asserts, he does not, would simply experiment with Fehrer's device using different angles of needling the polypropylene/polyethylene blend of JP '755 to see what happens. Certainly, Applicant's claimed invention is not obvious from that experimentation.